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17 IN RE: CELLULAR TELEPHONES

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10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 No. 19MJ00029

13 GOVERNMENT'S EX PARTE APPLICATION
14 FOR A WARRANT AUTHORIZING THE
15 DISCLOSURE OF HISTORICAL CELL-SITE
16 INFORMATION AND REQUEST TO SEAL;
17 AFFIDAVIT OF LINDSAY T. BURNS

18 (UNDER SEAL)

19 The United States of America, by and through its counsel of
20 record, the United States Attorney for the Central District of
21 California, hereby applies for a warrant requiring cellular
22 telephone service provider(s) to furnish the Drug Enforcement
23 Administration (the "Investigating Agency") with information
24 relating to the following cellular telephones:

25 a. 916-759-3780, a cellular telephone issued by Verizon
26 Wireless ("Carrier 1"), with international mobile equipment identity
27 ("IMEI") number 355832083058955, used by Grace Anabel Montgomery
28 ("Subject Telephone 1");

1 b. 310-990-6424, a cellular telephone issued by AT&T
2 Wireless ("Carrier 2" and, collectively with Carrier 1, the
3 "Carriers"), believed to be used by Trent Michael TOMASOVICH
4 ("Subject Telephone 2");

5 c. 206-579-0454, a cellular telephone issued by Verizon
6 Wireless, with international mobile equipment identity ("IMEI")
7 number 353051098439355, believed to be used by Kristen WHITE
8 ("Subject Telephone 3");

9 d. 714-600-5998, a cellular telephone issued by AT&T
10 Wireless, believed to be used by Ian Flynn ("Subject Telephone 4");

11 e. 818-960-8483, a cellular telephone issued by AT&T
12 Wireless, believed to be used by Joseph CAMPBELL ("Subject Telephone
13 5" and, together with **Subject Telephones 1 through 4**, the "Subject
14 Telephones").

15 Specifically, authorization is sought to obtain historical
16 cell-site information, that is, information reflecting the location
17 of cellular towers (cell-site and sector/face) related to the use of
18 the **Subject Telephones** ("cell-site information"), to include call
19 detail, text, and data information, for the **Subject Telephones** that
20 was gathered by the Carriers from July 1, 2017 through the present
21 (as to **Subject Telephone 2**), and from July 10, 2018 through July 17,
22 2018 (as to **Subject Telephones 1, 3, 4, and 5**), along with any other
23 associated data that was collected by the Carriers, but not
24 including the contents of any communication.

25 The application is made in connection with an investigation of
26 offenses committed by Trent Michael TOMASOVICH and others known and
27 unknown (the "Target Subjects"), specifically, violations of 21
28 U.S.C. §§ 841(a)(1) and 846 (distribution of controlled substances,

1 including distribution causing overdose death, and conspiracy to
2 distribute and to possess with intent to distribute controlled
3 substances) (the "Target Offenses"), and is based upon the attached
4 agent affidavit. There is probable cause to believe that federal
5 crimes have been committed and that the requested historical cell-
6 site information will constitute or yield evidence of those crimes.

7 The information sought by this application first includes
8 information about the location (physical address) of the "cell-
9 sites" concerning the cell-sites/sectors that received or
10 transmitted signals to and from the **Subject Telephones** during the
11 requested period. This information, which is acquired in the first
12 instance by the Carriers, includes any information, apart from the
13 content of any communication, that is reasonably available to the
14 Carriers and that is requested by the Investigating Agency,
15 concerning the cell-sites/sectors receiving and transmitting signals
16 to and from the **Subject Telephones**. This historical information is
17 sought based on 18 U.S.C. § 2701 et seq. (the "Stored Communications
18 Act"). The Stored Communications Act provides:

19 A governmental entity may require a provider of electronic
20 communication service . . . to disclose a record or other
21 information pertaining to a subscriber to or customer of
such service (not including the contents of
communications) only¹ when the governmental entity --

22 (A) obtains a warrant issued using the procedures
23 described in the Federal Rules of Criminal
Procedure . . . by a court of competent
jurisdiction[.]

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26
27 ¹ This section also provides other methods to compel disclosure,
28 including via subpoena or court order. However, the government in
this case is proceeding under the highest threshold, that is,
obtaining a warrant as described in § 2703(c)(1)(A).

1 18 U.S.C. § 2703(c)(1); see also Carpenter v. United States, ____
 2 S. Ct. ___, 2018 WL 3073916 (June 22, 2018) (holding that a warrant
 3 is required to obtain seven or more days' worth of historical cell-
 4 site information).²

5 Cellular telephone companies routinely create and maintain, in
 6 the regular course of their business, records of information
 7 concerning their customers' usage. These records typically include
 8 for each communication a customer makes or receives (1) the date and
 9 time of the communication; (2) the telephone numbers involved;
 10 (3) the cell tower to which the customer connected at the beginning
 11 of the communication; (4) the cell tower to which the customer was
 12 connected at the end of the communication; and (5) the duration of
 13 the communication. The records may also, but do not always, specify
 14

15 ² The definition of terms in the Stored Communications Act makes
 16 clear that the "record or other information" that a court may order
 17 a provider to disclose to the government under Section 2703(c)(1)(A)
 18 includes both cell site and other location information. First, the
 19 Stored Communications Act expressly adopts the definition of
 20 statutory terms set forth in 18 U.S.C. § 2510. See 18 U.S.C. § 2711
 21 ("As used in this chapter. . . (1) the terms defined in section 2510
 22 of this title have, respectively, the definitions given such terms
 23 in that section"). Thus, the term "provider of electronic
 24 communication service" used in Section 2703(c) covers cellular
 25 telephone service providers, because 18 U.S.C. § 2510(15) defines
 26 "electronic communications service" as "any service which provides
 27 to users thereof the ability to send or receive wire or electronic
 28 communications." 18 U.S.C. § 2510(15). Further, cell site and
 other location information is "a record or other information
 pertaining to a subscriber to or customer of" an electronic
 communications service - another term used in Section 2703(c) -
 because cellular telephone service providers receive and store the
 information, if sometimes only momentarily, before forwarding it to
 law enforcement officials. See In Re: Application of the United
States for an Order for Prospective Cell Site Location Information
on a Certain Cellular Telephone, 460 F. Supp. 2d 448, 457-60
 (S.D.N.Y. 2006). Finally, this Court is a "court of competent
 jurisdiction" because it is a "district court of the United States
 (including a magistrate judge of such a court) . . . that . . . has
 jurisdiction over the offense being investigated." 18 U.S.C.
 § 2711(3)(A)(i).

1 a particular sector of a cell tower used to transmit a
2 communication. Cell-site information is useful to law enforcement
3 because of the limited information it provides about the general
4 location of a cell phone when a communication is made.

5 Pursuant to 18 U.S.C. § 2705(b), this application requests that
6 the Court enter an order commanding the Carriers not to notify any
7 person, including the subscriber(s) of the **Subject Telephones**, of
8 the existence of the warrant until further order of the Court, until
9 written notice is provided by the United States Attorney's Office
10 that nondisclosure is no longer required, or until one year from the
11 date the Carriers comply with the warrant or such later date as may
12 be set by the Court upon application for an extension by the United
13 States, for the reasons outlined in the attached agent affidavit.

14 This application also seeks an order that: (1) authorizes the
15 disclosure of the requested information, whether the **Subject**
16 **Telephones** are located within this District, outside of the
17 District, or both, pursuant to 18 U.S.C. § 2703(c)(1)(A) and Rule
18 41(b), and, for good cause shown, at any time of the day or night
19 pursuant to Rule of Criminal Procedure 41; (2) authorizes the
20 disclosure of not only information with respect to the **Subject**
21 **Telephones**, but also with respect to any changed telephone number(s)
22 assigned to an instrument bearing the same ESN, IMSI, or IMEI
23 ("unique identifying number") as any **Subject Telephone**, or any
24 changed unique identifying number subsequently assigned to the same
25 telephone number as any **Subject Telephone**, or any additional changed
26 telephone number(s) and/or unique identifying number, whether the
27 changes occur consecutively or simultaneously, listed to the same
28 wireless telephone account number as any **Subject Telephone** within

1 the period of disclosure authorized by the warrant; and (3) orders
2 the Investigating Agency to reimburse the Carriers for their
3 reasonable expenses directly incurred in providing the requested
4 information and any related technical assistance.

5 Finally, this application requests that it, the proposed
6 warrant that has been concurrently lodged, and the return to the
7 warrant be sealed by the Court until such time as the Court directs
8 otherwise. Allowing disclosure to the public at large would likely
9 jeopardize the ongoing investigation for the reasons outlined in the
10 attached agent affidavit.

11 Dated: January 4, 2019

Respectfully submitted,

12 NICOLA T. HANNA
United States Attorney

13 LAWRENCE S. MIDDLETON
Assistant United States Attorney
14 Chief, Criminal Division

16 */s/ Benjamin R. Barron*
17 BENJAMIN R. BARRON
Assistant United States Attorney

18 Attorneys for Applicant
19 UNITED STATES OF AMERICA

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AFFIDAVIT

I, Lindsay T. Burns, being duly sworn, declare and state as follows:

I. INTRODUCTION

5 1. I am a Special Agent ("SA") with the United States Drug
6 Enforcement Administration ("DEA") and an investigative or law
7 enforcement officer of the United States within the meaning of Title
8 18, United States Code, Section 2510(7), who is empowered to conduct
9 investigations of, and to make arrests for, the narcotics offenses
10 enumerated in Title 18, United States Code Section 2516.

11 Additionally, I have received certification from the California
12 Attorney General to conduct wiretaps as authorized in Section 629.50
13 et seq. of the California Penal Code.

14 2. I have been employed as a DEA Special Agent since June
15 2010. I received five months of training at the Department of
16 Justice Training Center, and I have participated in dozens of
17 narcotics investigations as the case agent or as an investigating
18 agent. I have debriefed defendants and witnesses who had personal
19 knowledge regarding narcotics trafficking organizations.

20 Additionally, I have participated in many aspects of narcotics
21 investigations, including conducting wiretap investigations,
22 physical surveillance, search warrants, and arrests.

23 3. I am currently assigned to the High Intensity Drug
24 Trafficking Area ("HIDTA") division, which is an enterprise operated
25 through the DEA, Los Angeles HIDTA Office. Additionally, I am a
26 member of the HIDTA Opioid Response Team ("ORT") HIDTA Group 45,
27 which is tasked with the investigation of suspected opioid-related
28 overdose deaths in Los Angeles County. HIDTA Group 45 is comprised

1 of DEA special agents and local law enforcement officers designated
2 as Task Force Officers ("TFOs").

3 4. Unless otherwise noted, when I assert that a statement was
4 made, the information was provided by another law enforcement
5 officer (who may have had either direct or hearsay knowledge of the
6 statement) to whom I have spoken or whose report I have read and
7 reviewed. Likewise, information resulting from surveillance, except
8 where otherwise indicated, does not necessarily set forth my own
9 observations, but rather has been provided directly or indirectly by
10 DEA Special Agents or other law enforcement officers who conducted
11 such surveillance.

12 II. PURPOSE OF AFFIDAVIT

13 5. This affidavit is made in support of an application for a
14 warrant authorizing the disclosure of historical cell-site
15 information, to include call detail, text, and data information,
16 for:

17 a. 916-759-3780, a cellular telephone issued by Verizon
18 Wireless, with international mobile equipment identity ("IMEI")
19 number 355832083058955, used by Grace Anabel Montgomery ("Subject
20 Telephone 1");

21 b. 310-990-6424, a cellular telephone issued by AT&T
22 Wireless, believed to be used by Trent Michael TOMASOVICH ("Subject
23 Telephone 2");

24 c. 206-579-0454, a cellular telephone issued by Verizon
25 Wireless, with international mobile equipment identity ("IMEI")
26 number 353051098439355, believed to be used by Kristen WHITE
27 ("Subject Telephone 3");

28

1 d. 714-600-5998, a cellular telephone issued by AT&T
2 Wireless, believed to be used by Ian Flynn ("Subject Telephone 4");
3 e. 818-960-8483, a cellular telephone issued by AT&T
4 Wireless, believed to be used by Joseph CAMPBELL ("Subject Telephone
5" and, together with Subject Telephones 1 through 4, the "Subject
6 Telephones").

7 6. This affidavit further requests that the warrant authorize
8 disclosure of such historical cell-site information for the
9 following date ranges: (1) as to Subject Telephone 2, from July 1,
10 2017, to the present; (2) as to Subject Telephones 1, 3, 4, and 5,
11 from July 10, 2018 through July 17, 2018.

12 7. As described more fully below, I respectfully submit there
13 is probable cause to believe that cell-site information likely to be
14 received concerning the approximate location of the Subject
15 Telephones, will constitute or yield evidence of violations of 21
16 U.S.C. §§ 841(a)(1) and 846 (distribution of controlled substances,
17 including distribution causing overdose death, and conspiracy to
18 distribute and to possess with intent to distribute controlled
19 substances), that were committed by Trent Michael TOMASOVICH and
20 others known and unknown (the "Target Subjects").

21 8. The facts set forth in this affidavit are based upon my
22 personal observations, my training and experience, and information
23 obtained from various law enforcement personnel and witnesses. This
24 affidavit is intended to show merely that there is sufficient
25 probable cause for the requested warrant and does not purport to set
26 forth all of my knowledge of, or investigation into, this matter.
27 Unless specifically indicated otherwise, all conversations and
28

1 statements described in this affidavit are related in substance and
2 in part only.

III. STATEMENT OF PROBABLE CAUSE

A. Summary

5 9. I am investigating the narcotics overdose deaths of 24-
6 year-old victim Grace Anabel Montgomery ("Montgomery") and 38-year-
7 old victim Ian Flynn, each of which occurred on or about July 14,
8 2018. Based on evidence set forth herein, I submit that there is
9 probable cause to believe that (1) Trent Michael TOMASOVICH
10 ("TOMASOVICH") is a drug trafficker who supplied drugs to Montgomery
11 on or about July 13, 2018, (2) those drugs caused Montgomery to
12 suffer a fatal overdose on July 14, 2018, after she consumed them
13 and (3) those same drugs also caused Flynn to suffer a fatal
14 overdose on July 14, 2018.

15 10. Specifically, as set forth below, on July 13, 2018,
16 Montgomery, a recovering heroin addict, used her cellphone (**Subject**
17 **Telephone 1**) to reached out to CAMPBELL (**Subject Telephone 5**)
18 seeking heroin. CAMPBELL in turn referred Montgomery to "Trent"
19 (TOMASOVICH) at **Subject Telephone 2**. TOMASOVICH has a history of
20 opiate trafficking, including a recent conviction for selling heroin
21 out of his Sherman Oaks residence. TOMASOVICH informed Montgomery
22 that he could sell her fentanyl, a synthetic opioid that is fifty
23 times more powerful than heroin, following which they arranged to
24 meet at the Sherman Oaks family entertainment center Castle Park to
25 complete the transaction. After purchasing the fentanyl, Montgomery
26 went to the Woodland Hills residence of her friend, Kristin White;
27 subscriber records confirm that White uses **Subject Telephone 3**.
28 White ultimately found Montgomery in a bathroom in the residence,

1 unresponsive, and called for emergency medical services; after being
2 transported to a hospital in the early morning hours of July 14,
3 2018, Montgomery was later pronounced dead of a drug overdose.
4 White's boyfriend, Flynn, was present at White's residence and found
5 the baggie of fentanyl that Montgomery had just purchased from
6 TOMASOVICH. White told Flynn to dispose of the powder, but Flynn
7 instead consumed some of the fentanyl and suffered an overdose,
8 which resulted in his own overdose death shortly thereafter.
9 Following his death, Flynn's parents provided his cellphone to
10 investigators and identified **Subject Telephone 4** as Flynn's phone
11 number (*i.e.*, the phone number associated with it); I conducted a
12 query of a law enforcement public records database and verified that
13 **Subject Telephone 4** was Flynn's phone number.

14 B. Other Law Enforcement Investigations of TOMASOVICH

15 11. TOMASOVICH has a long history of being investigated by law
16 enforcement for narcotics trafficking, including the following,
17 which I know from my communication with other law enforcement
18 officers or review of various underlying reports:

19 a. In 2017, the DEA in Ventura conducted a wiretap
20 investigation of a heroin delivery service that operated throughout
21 much of the Central District of California. The wiretaps,
22 authorized by the Honorable S. James Otero, United States District
23 Judge, were signed on the following dates, each authorizing 30-day
24 interception periods: CM 17-0987 on July 28, 2017; CM 17-0987A on
25 August 30, 2017; and CM 17-0987B on October 2, 2017. TOMASOVICH,
26 using **Subject Telephone 2** was intercepted throughout the
27 interception periods ordering and coordinating the delivery of
28 narcotics; I have reviewed linesheet summaries of the communications

1 and recognized that they involved coded discussion of narcotics
2 trafficking. For example, on July 29, 2017, at approximately 5:45
3 p.m., during an incoming call from **Subject Telephone 2** to "Chris" at
4 one of the target phones (818 438 2767), TOMASOVICH referred to
5 himself at the outset of the call as "Trent" (i.e., TOMASOVICH's
6 first name). TOMASOVICH told Chris that he (TOMASOVICH) needed
7 "four halves and a 20." Chris asked if TOMASOVICH's address was the
8 same, and TOMASOVICH confirmed it was the corner of "Ostego and
9 Sepulveda" (TOMASOVICH's residence, 5112 Sepulveda Boulevard,
10 Apartment #223, in Sherman Oaks, California, is in fact located on
11 Sepulveda Boulevard between Otsego Street and Hartsook Street).
12 Chris confirmed that he had lots of people but would be there.
13 Based on my training and experience, I recognize that in this call,
14 TOMASOVICH was ordering heroin from Chris, and Chris agreed to
15 deliver the heroin to TOMASOVICH's residence after he completed
16 deliveries to his other customers. I observed dozens of similar
17 communications throughout the interception periods, including
18 communications in which TOMASOVICH referred to the ordered drugs by
19 what I recognize to be code words such as "black" (black tar heroin)
20 and "balloons" (balloons containing heroin). I also recognize from
21 the linesheets that TOMASOVICH was ordering distribution quantities
22 of heroin (i.e., more than for his own personal use), such as an
23 October 20, 2017 communication in which TOMASOVICH ordered 300
24 balloons, in addition to 20 units of "soda" (cocaine).

25 b. In early January 2018, an undercover ("UC") officer
26 with the Glendale Police Department ("GPD") arranged to purchase
27 heroin from a dealer advertising the sale of the drug on Craigslist,
28 later identified as TOMASOVICH.

i. On January 5, 2018, the UC conducted an undercover buy of heroin from an unidentified male that TOMASOVICH directed to meet with the UC to complete the exchange. On January 11, 2018, the Honorable Judge Beverly Bourne of the Los Angeles Superior Court of California issued a search for TOMASOVICH's residence located at 5112 Sepulveda Boulevard, #223, in Los Angeles, California and a black Lexus four door sedan bearing California license plate #7ZRL033.

ii. On January 16, 2018, at approximately 9:20 a.m., the UC contacted TOMASOVICH, via text on the phone number 818-310-0294, and TOMASOVICH direct the UC to meet with him (TOMASOVICH) across the street from 5112 Sepulveda Boulevard (near TOMASOVICH's residence) to purchase a gram of heroin for \$80. (Although the phone number used to contact TOMASOVICH was not **Subject Telephone 2**, I believe that this is likely because TOMASOVICH was using a Voice over Internet Protocol ("VoIP") telephone number which acted as a "burner" cellphone. During an interview with GPD detectives, and after he had been advised of his Miranda rights, TOMASOVICH referred to a Samsung cellphone found in his possession at the time of his arrest as his "burner phone." Although GPD detectives did not find other cellphones in TOMASOVICH's possession at the time of his arrest, the GPD records of the arrest reflect that TOMASOVICH identified **Subject Telephone 2** as his phone number. (In other words, I believe that the Samsung phone found in TOMASOVICH's possession was likely **Subject Telephone 2**, and that TOMASOVICH was also using the same cellular device for drug-related communications with other VoIP phone number(s) such as the one he used to communicate with the UC.)

26 c. Additionally, on November 17, 2018, TOMASOVICH was
27 arrested by Ventura County Sheriff's Department ("VCSD") deputies.
28 During the arrest, the officers seized a black Samsung phone from

1 TOMASOVICH, and the underlying arrest records once reflect that
2 TOMASOVICH's phone number is **Subject Telephone 2** (310-990-6424).

3 i. On November 17, 2018, VCSD deputies in a marked
4 patrol unit were operating in Thousand Oaks, California. At
5 approximately 7:46 p.m., dispatch advised that a reporting party
6 heard two male subjects yelling and screaming in front of a house to
7 "jack them" and "stab him." Deputies arrived to the location of the
8 reported incident, 3480 Brokenhill Street in Thousand Oaks, and
9 observed a silver Lexus sport utility vehicle departing the area.
10 The patrol unit conducted a traffic stop on the vehicle.

11 ii. Deputy Mark Plassmeyer (#4691) contacted the
12 driver, later identified as TOMASOVICH, while Deputy Cameron
13 Simpkins (#5032) contacted the passenger, later identified as Tamara
14 Elkadi (who, as described above, was present at TOMASOVICH's
15 apartment during the search warrant executed at the location in
16 January 2018). Deputy Plassmeyer observed TOMASOVICH to be very
17 nervous, a stuttered speech and sweating. TOMASOVICH initially
18 provided Deputy Plassmeyer a false name ("Ryan Pulaski"), which he
19 spelled "Ryan Pierlaskvich," and provided false date of birth ("9-8-
20 1991"). TOMASOVICH told Deputy Plassmeyer that a person named "Aaron
21 Winkeler," at the 3480 Brokenhill Street residence, had stolen money
22 from him (TOMASOVICH). TOMASOVICH stated that Winkeler took
23 TOMASOVICH's wallet from the center console of the vehicle and ran
24 inside the residence. Deputy Plassmeyer observed that TOMASOVICH's
25 story was changing as he was telling it and detained TOMASOVICH.

26 iii. Deputy Plassmeyer advised TOMASOVICH that he
27 could locate no records for a person with the name of "Ryan
28 Pierlaskvich," in response to which TOMASOVICH identified himself by

1 another false name ("Will Myers") and date of birth ("8-14-1990").
2 The deputy then advised that he could locate no records for that
3 person either, in response to which TOMASOVICH admitted that his
4 name was "Trent TOMASOVICH" and date of birth is "4-29-1991."
5 TOMASOVICH stated that he lied about his identity because he was on
6 probation for possession and intent to sell (drugs). TOMASOVICH
7 later stated that his identification was inside his wallet which was
8 still in the vehicle and that he (TOMASOVICH) lied about Winkeler
9 stealing his wallet. Elkadi also identified herself to the deputies
10 by several false names

1 d. Deputy Plassmeyer contacted Winkeler at his
2 residence. Winkeler that he was "detoxing" from a fentanyl addiction
3 and had contacted TOMASOVICH to buy drugs via the Facebook Messenger
4 communication service. Winkeler ultimately decided not to go
5 forward with the transaction. After TOMASOVICH and Elkadi had
6 arrived, Winkeler asked his father to have them leave, which led to
7 the confrontation that resulted in the deputies' arrival.

8 e. Deputy Plassmeyer interviewed TOMASOVICH after
9 advising TOMASOVICH of his Miranda rights. TOMASOVICH told Deputy
10 Plassmeyer that the blue backpack was his, along with a small black
11 case that contained pills and tweezers belonged to him. Deputy
12 Plassmeyer asked about the container of suspected methamphetamine to
13 which TOMASOVICH the container possibly belonged to him and Elkadi,
14 but that he was not certain. TOMASOVICH did not give consent to his
15 cellphone.

16 f. Deputy Simpkins interviewed Elkadi after advising her
17 of her Miranda rights. She explained that the substances (in the
18 purse) were Xanax, methamphetamine and heroin. Elkadi stated "that
19 we're selling" (ELKADI and TOMASOVICH). Elkadi gave Deputy Simpkins
20 permission to examine the contents of phone; Deputy Simpkins
21 observed multiple messages from unknown individuals asking for
22 "clear" (suspected code for methamphetamine) and offering "clear" or
23 a "g" (gram) for a set amount of money, along with records of
24 Craigslist postings advertising "White China Dishes" (code for
25 "china white," that is, fentanyl powder or fentanyl/heroin powder)
26 and "Full \$one60" and "Half \$80" (offering one gram of fentanyl for
27 \$160 and 1/2 gram for \$80).

28

1 g. Sheriff's Deputies arrested and charged TOMASOVICH
2 and Elkadi with violating various California drug and false
3 statement statutes. Both TOMASOVICH and Elkadi were later released,
4 and the charges against them remain pending.

5 C. Deaths of Montgomery and Flynn on July 14, 2018

6 12. On July 14, 2018, at approximately 3:00 a.m., Los Angeles
7 Police Department ("LAPD") Officers Martinez (#42439) and Ramirez
8 (#42446) responded to a radio call of an ambulance overdose at 22809
9 Del Valle Street, Unit #10, in Woodland Hills, California 91364.
10 Prior to LAPD Officers Martinez and Ramirez arriving at the
11 residence, officers were advised that the individual, Grace
12 Montgomery, had been transported to the West Hills Hospital, located
13 in West Hills, California. Upon arrival at the Hospital, LAPD
14 Officers were advised that the decedent, Montgomery, had been
15 pronounced dead at approximately 3:26 a.m.

16 13. LAPD Officers spoke with Los Angeles Fire Department
17 Rescue Paramedic Morales (#41741) who was at 22809 Del Valle Street,
18 Unit #10, in Woodland Hills, California 91364. Morales informed
19 LAPD officers that he responded to the residence at approximately
20 2:40 a.m. in response to an emergency all that was initiated at
21 approximately 2:32 a.m., Morales further informed the officers that
22 he observed that Montgomery produced a snoring respiration (i.e.,
23 indicating that she was alive at the time), and that the paramedics
24 then began to work on Montgomery resulting in slight positive signs,
25 following which Montgomery was transported to the West Hills
26 Hospital. Morales also advised Officers that he (Morales) observed
27 drug paraphernalia in the general vicinity of Montgomery inside the
28 bathroom where Montgomery was found.

1 14. Officers spoke to Kristin White, who had reported the
2 incident. White told LAPD officers that she and Montgomery had
3 known each other for approximately one year and had met each other
4 at an eating disorder rehabilitation center. White stated that
5 Montgomery had texted her (White) earlier in the morning that she
6 wanted to use heroin even though Montgomery had reached one year of
7 being sober from heroin use. White invited Montgomery to her
8 residence (22809 Del Valle Street, Unit #10, in Woodland Hills,
9 California 91364) as a way to support each other since she (White)
10 was also a recovering alcoholic. White stated that she eventually
11 got drunk and the last time she saw Montgomery was around midnight.
12 At approximately 2:00 a.m., White discovered Montgomery leaning over
13 the toilet in the first floor bathroom with blood on her nose and
14 unconscious. White told LAPD Officers that she immediately called
15 911. Toxicology results revealed that Montgomery had died of an
16 accidental overdose caused by fentanyl. The level of fentanyl was
17 fatal and was determined to have caused Montgomery's death.

18 15. On the same date, at approximately 8:21 a.m., LAPD Patrol
19 Officers Hall (#41496) and Gryglewski (#41763) received a radio call
20 for an "Overdose/Death Investigation" at 22809 Del Valle Street,
21 Unit #10, in Woodland Hills, California 91364. LAPD Officers met
22 with Los Angeles Fire Department ("LAFD") Rescue Paramedic Morales
23 (#41741) who advised Officers that they had received a call for a
24 possible overdose. Upon their (LAFD) arrival, they observed the
25 subject, later identified as Ian Flynn, lying on the couch. LAFD
26 Rescue observed that Flynn was unconscious and not breathing. LAFD
27 Rescue attempted to revive the Flynn but were unsuccessful. Rescue
28 Paramedic Morales told LAPD Officers that he (Morales) pronounced

1 Flynn's death at 8:23 a.m. Morales advised LAPD Officers that they
2 had taken another individual, Montgomery, from the same residence
3 earlier in the night, to West Hills Hospital for a drug overdose.
4 LAPD Officers Hall and Gryglewski met with White who reported Flynn
5 to emergency officials. White told Officers that Flynn was her
6 boyfriend and that her friend, Montgomery, had been transported to
7 the hospital from the same residence earlier for a drug overdose.
8 White stated that she last spoke to Flynn when he was in the
9 downstairs living room (in the residence) while he (Flynn) sat on
10 the couch. White told LAPD Officers that Flynn had a clear plastic
11 bag with an unknown substance in it and had made a comment (to
12 White) "your friend had money. This isn't heroin. This is 'China'."
13 (From my training and experience, I recognize that the term "China"
14 refers to "China white," which is common slang for white fentanyl
15 powder or for fentanyl powder cut with heroin.) White told Flynn
16 to throw "it" (the substance in the clear bag) away and went
17 upstairs at approximately 6:00 a.m. At approximately 8:00 a.m.,
18 White said she was awoken by Flynn's alarm clock and came downstairs
19 to tell Flynn to shut his alarm off. White stated that she found
20 Flynn lying on the couch unresponsive and called LAFD. Toxicology
21 results revealed that Flynn had died of an accidental overdose
22 caused by the combined effects of fentanyl and ethanol; the level of
23 fentanyl was fatal and was determined to have caused Flynn's death.

24 D. Search of Subject Telephone 1

25 16. On August 7, 2018, LAPD detectives were given consent by
26 Montgomery's father, Michael Montgomery, to search Montgomery's
27 cellular phone. Upon review of the photos of text messages from
28 Montgomery's phone and data taken from Montgomery's text message

1 chats with **Subject Telephone 5**, exchanged with an individual
2 referred on the phone contacts to as "Joe," who I believe to be
3 Joseph Anthony CAMPBELL. I observed the following text
4 communication between CAMPBELL and Montgomery, with notes of my
5 interpretation of coded/shorthand drug references added in
6 parentheticals:

7 a. July 13, 2018, at approximately 11:22 a.m., the
8 following text message conversation took place:

9 Montgomery: Hey it's Grace

10 CAMPBELL: Omg hi my love. What's up

11 Montgomery: Heyyyy so I I'm wondering if you know where to
12 find black (heroin) in the valley area

13 CAMPBELL: Yeah and fet. (fentanyl) Off supulveda. My buddy
14 lives in the apartments off supulveda and Hartsook across
15 from a liquor store called oak liquor.

16 CAMPBELL: I'' txt him rn and tell him I'm shooting u his
17 number.

18 . . .

19 CAMPBELL: He's reliable as fuck and a good friend of mine

20 Montgomery: Ok awesome thanks so much. How much for a g
21 (gram) usually.

22 CAMPBELL: 80-90 I believe,

23
24 b. On July 13, 2018, at approximately 4:20 p.m., the
25 following text message conversation took place:

26 Montgomery: Joeeeee what's his number. Omg you look so
27 good btw.

28 CAMPBELL: Trent But My Francis (**Subject Telephone 2**)

1 Montgomery: Please excuse my terrible hangover face.

2 CAMPBELL: Awe thanks babe stfu u look great.

3 CAMPBELL: When u txt Trent just say he Trent this is joes
4 friend grace he said you could probably help me out. Send
5 that selfie of me with the pic along with a screen shot of
6 your fb.

7
8 c. On July 13, 2018, at approximately 4:20 p.m., the
9 following text message conversation continued:

10 Montgomery: Girl you do china white (fentanyl)?? He says
11 he doesn't have black (heroin)

12 CAMPBELL: It's bomb. Get Fet. (fentanyl)

13 Montgomery: Haha okkk. I though you could only shoot or
14 snort white (fentanyl) tho I love to smoke shittttt.

15
16 b. Based on my training, experience, and knowledge of
17 this investigation, I believe the following regarding the above
18 messages. The July 13 conversation between Montgomery and CAMPBELL
19 begins with Montgomery, using **Subject Telephone 1**, reaching out to
20 CAMPBELL, using **Subject Telephone 5**, to see if he (CAMPBELL) knows
21 of anyone that sells "black" in the valley, which I believe to be a
22 coded word for heroin. CAMPBELL replies to Montgomery and tells her
23 that he knows someone that sells heroin and "fet" which I believe to
24 be fentanyl. CAMPBELL provides the contact name "Trent But My
25 Francis" with an attached contact telephone number of "310-990-6424"
26 (**Subject Telephone 2**), whom I believe to be Trent Michael
27 TOMASOVICH. CAMPBELL further described that the individual that had
28 the supply of fentanyl lived in an apartment off of "Supulveda and

1 Hartsook" across from a liquor store with signage identifying it as
2 "Oaks Liquor Market". CAMPBELL instructed Montgomery to text
3 TOMASOVICH that he (CAMPBELL) was her reference along with sending a
4 screenshot photo of their conversation (Montgomery and CAMPBELL)
5 which included a photo of CAMPBELL.

6 c. Upon review of California Department of Motor Vehicle
7 ("DMV") database, a California DMV Driver License for Trent Michael
8 TOMASOVICH (E1128328) has a listed address of 5112 Sepulveda
9 Boulevard, Apartment #223, in Sherman Oaks, California 91403, this
10 address is an apartment within a building located on the corner of
11 Sepulveda Boulevard and Hartsook Street, which matches the
12 description of the residence of the fentanyl supplier discussed in
13 the above messages. Similarly, the Oak Liquor store is located at
14 5148 Sepulveda Boulevard in Sherman Oaks, CA 94103, which is thus
15 also consistent with the above line of communications.

16 d. Moreover, the summary of other law enforcement
17 investigations of TOMASOVICH independently corroborate his use of
18 **Subject Telephone 2** to engage in narcotics trafficking, and that
19 TOMASOVICH sells narcotics in and near the vicinity of his Sherman
20 Oaks residence. Moreover, regarding TOMASOVICH's arrest following
21 his sale of heroin to a UC officer in January 2018, during
22 communication between the UC and TOMASOVICH, TOMASOVICH provided the
23 name "Francis" to the UC; the name "Francis" is similar to the name
24 that CAMPBELL provided to Montgomery, "Trent But My Francis."

25 E. Conversations between Subject Telephones 1 and 2

26 17. As noted above, I believe that during a July 13 series of
27 communications, CAMPBELL referred Montgomery to TOMASOVACH via
28 **Subject Telephone 2** as a source to acquire fentanyl; the phone

1 number was saved in CAMPBELL's phone contacts under the name "Trent
2 But My Francis." I observed the following text message
3 communications between Montgomery (**Subject Telephone 1**) and
4 TOMASOVICH (**Subject Telephone 2**):

5 a. On July 13, 2018, at approximately 5:05 p.m., the
6 following text message conversation took place:

7 Montgomery: Hey this is joes friend I wanted to get
8 something tonight.

9 TOMASOVICH: Have you hit me up before.

10 Montgomery: No. He just called me and said it was cool to
11 text you. He's like my best friend.

12 TOMASOVICH: No that's fine I was just curious if it was
13 the same person that hit me up before that he sent me. OK
14 well let's start here wuts [what's] your name nd [and] you
15 have a Facebook or Instagram.

16 Montgomery: Grace and my ig [Instragram] is
17 @gracemontgomery_

18 TOMASOVICH: Ok. You model??? That's you? Nd not saying I
19 can but if I were able to wut are you looking to get?

20 Montgomery: Ya that's me. I wanted to get a g of black.

21 TOMASOVICH: How long you been using and or how much clean
22 time to you have.

23 Montgomery: Been using a couple years but been clean a
24 year until like a week ago. So many questions haha.

25 TOMASOVICH: Lol well yea you can never be to careful
26 especially when the homie who t

27

28

1 Montgomery: Haha true. So did I pass your test or do you
2 have more questions haha. Lemme know if you can get that
3 for me.

4 TOMASOVICH: Lol so far your good..But yea Can never be too
5 careful especially when the person you fit the number from
6 didn't givr [give] me a heads up. Last little question you
7 a smoker of shooter.

8 Montgomery: Sorry he told me he told you. Smoke.

9
10 [AGENT Note: Montgomery sent a screen shot of a
11 conversation with CAMPBELL to which CAMPBELL sent his
12 phone contact for TOMASOVICH "Trent But My Francis"].

13
14 TOMASOVICH: Ok well i can possibly help you out it just
15 depends cause if you want black specifically your S.O.L,
16 but if you want the 1000 X better version of it I can do
17 so. I have China it's just a wee bit more expensive but
18 it's a lot stronger and yea I do in fact mean a lot
19 stronger.

20 Montgomery: Can I smoke it.

21 TOMASOVICH: Yep. Nd you can try it too.

22 Montgomery: Ok I'm down how much. And when

23
24 b. On the same date, at approximately 6:45 p.m., the
25 following text message conversation took place between **Subject**
26 **Telephone 1** and **Subject Telephone 2**:

27 TOMASOVICH: Sry for late response. So I'm upping now and
28 it's 160 for the full 80 for the half. Like I said before

1 I know that seems like a lot but just wait to meet up and
2 try it you don't want it you don't have to get it but I
3 guarantee you your gonna by the g and make sure that this
4 is usually available.

5 Montgomery: Ok. And do you never have black? I'll prob get
6 the half tonight I don't get paid for a couple days.

7 TOMASOVICH: Used to and then switched immediately over.
8 This is way more clean more potent a half will last you
9 till you get paid for sure.

10 Montgomery: Ok dopeee. I'll hit you up once I'm off work
11 and meet you where ever is good for you. Definitely do
12 what you gotta go I'm not trippin, I just work as a night
13 manager at a sober living and I work tonight to the sooner
14 is better but I'll meet you wherever :)

15
16 c. On the same date, at approximately 9:17 p.m., the
17 following text message conversation took place between **Subject**
18 **Telephone 1** and **Subject Telephone 2**:

19 Montgomery: Address? Cuz it'll take me like 20 min to get
20 to Sherman oaks. The 405 and the 101 where.

21 TOMASOVICH: Ok go to castle park. It's on sepulveda.

22 Montgomery: Ok. Ok I'll be there in like 20 is that chill.

23 TOMASOVICH: Yea

24 Montgomery: Omg it's packed haha. Well I'm here.

25 TOMASOVICH: Yea it's Friday night. Ok well I'll hit you up
26 in a minute.

27 Montgomery: Ok.

28 TOMASOVICH: On the way back I'll hit you up asap.

1 Montgomery: How long.

2 TOMASOVICH: 20-25 min

3 Montgomery: Ahhhh. Okk

4 TOMASOVICH: Ya sry that's why I said I would hit you up
5 when I was heading f back. Anyway go to the McDonald's on
6 ventura as of your heading back home.

7 Montgomery: Ok

8 Montgomery: Ok. You there?

9 TOMASOVICH: Will be

10
11 18. Based on my training, experience, and knowledge of this
12 investigation, I believe the following regarding the above
13 conversation. The July 13 conversation between Montgomery, using
14 **Subject Telephone 1**, and TOMASOVICH, using **Subject Telephone 2**,
15 begins with Montgomery introducing herself as Joe's friend (Joseph
16 CAMPBELL). I further believe that TOMASOVICH asked Montgomery to
17 identify herself via a photo through Facebook or Instagram to ensure
18 that Montgomery was not an undercover law enforcement officer.
19 Montgomery told TOMASOVICH that she "wanted to get a 'g' of black"
20 which I believe referred to one gram of heroin. TOMASOVICH
21 continued to ask Montgomery if she was a "smoker" or "shooter" (if
22 she inhaled or injected heroin) to which Montgomery replied "smoke."
23 The conversation continued with TOMASOVICH explaining to Montgomery
24 that if she wanted to purchase "black specifically" (heroin) then
25 she was "S.O.L" (shit out of luck) but if "you want the 1000 x
26 better version it I can do so." I believe that TOMASOVICH was
27 referring fentanyl with the latter comment, which is fifty times
28 more powerful than heroin. In addition, when TOMASOVICH stated that

1 he has "China it's just a wee bit more expensive but it's a lot
2 stronger and yea I do in fact mean a lot stronger," I believe
3 TOMASOVICH was attempting to explain that the fentanyl that
4 TOMASOVACH had sold for a higher price but was also significantly
5 stronger than heroin. TOMASOVICH told Montgomery that she could
6 smoke "it" (fentanyl) to which Montgomery acknowledged "ok I'm down"
7 and "how much."

8 a. I further recognize that the conversation continued
9 with TOMASOVICH stating to Montgomery that he was "upping now"
10 (acquiring additional narcotics to his supply) and that the price
11 was "160 for the full" (\$160 for a gram of fentanyl) and "80 for the
12 half" (\$80 for a $\frac{1}{2}$ gram of fentanyl). TOMASOVICH further told
13 Montgomery that she could "try it" (sample the fentanyl prior to
14 purchasing any fentanyl from TOMASOVICH) and if she did not want
15 "it" (fentanyl) than she did not have to "get it but I [TOMASOVICH]
16 guarantee you your [you, you are] gonna by [going to buy] the g
17 [gram].. I believe TOMASOVICH was advertising the quality of his
18 narcotics product to Montgomery and once she sampled a portion of
19 the fentanyl, she (Montgomery) would purchase the full gram for
20 \$160. Montgomery and TOMASOVICH continued to text over **Subject**
21 **Telephones 1-2** and arranged to meet and exchange a payment for
22 fentanyl.

23 b. TOMASOVICH instructed Montgomery to meet him at
24 "castle park. It's on Sepulveda" to carry out the deal. I believe
25 this referred to carrying out the fentanyl transaction at the family
26 entertainment center Castle Park located at 4989 Sepulveda Boulevard
27 in Sherman Oaks, less than half a mile from TOMASOVICH's residence.

1 19. Upon review of the call log from Montgomery's phone,
2 TOMASOVICH (Subject Telephone 2) called Montgomery (Subject
3 Telephone 1) on July 13, 2018, at 11:16 p.m. The duration of that
4 call was approximately 37 seconds. From 9:08 p.m. through 11:19
5 p.m., on the same day, Subject Telephone 1 placed 4 outgoing calls
6 to Subject Telephone 2. I believe that these calls were to
7 coordinate meeting at Castle Park to complete the fentanyl
8 transaction.

9 D. Interview of Kristin White on August 13, 2018

10 20. On August 13, 2018, LAPD Detectives Santana and Moselle
11 interviewed Kristin White. White informed Detectives that
12 Montgomery had texted her (White) via White's phone, Subject
13 Telephone 3, at approximately 10:00 p.m. on July 13, 2018. White
14 told Detectives that she (White) was drunk when Montgomery arrived
15 at White's residence, 22809 Del Valle Street, #10, in Woodland
16 Hills, California 91364. White and Montgomery went to Taco Bell to
17 get food; Montgomery drove as she (White) was too intoxicated to
18 drive to Taco Bell. White said that they (White and Montgomery)
19 went through the Taco Bell drive through and then returned to
20 White's residence and she (White) passed out on the couch. White
21 woke up around 2:30 a.m. and found Montgomery in the bathroom
22 unconscious to which she called "911." When paramedics arrived,
23 White told Detectives that she had called her boyfriend, Ian Flynn,
24 and told him that Montgomery was overdosing. White stated that
25 Flynn arrived at her residence before paramedics took Montgomery to
26 the hospital. White and Flynn went to the hospital and returned to
27 White's residence at approximate 5:00 a.m.

28

1 21. At approximately 5:40 a.m., Flynn told White, "your friend
2 has money this is China white" (believed to be fentanyl). White
3 told Flynn to throw "it" (fentanyl) away and to go to bed. White
4 explained to Detectives that she heard Flynn's alarm going off and
5 found him on the couch unresponsive to which she called "911."
6 White further stated to Detectives that a few days after Montgomery
7 died, White was looking through her phone (**Subject Telephone 3**).
8 White observed photos of screen shots that she (White) had taken of
9 Montgomery's phone (**Subject Telephone 1**) of text conversations
10 between Montgomery (**Subject Telephone 1**) and Joe (CAMPBELL) (**Subject**
11 **Telephone 5**) discussing the purchase of drugs. White told
12 Detectives that she recognized the name "Joe" (believed to be
13 CAMPBELL) as a guy they (Montgomery and White) met in Prominence and
14 that Joe was a heroin user. White informed LAPD Detectives that she
15 believed that "Joe" was the middleman and he gave Montgomery the
16 connection to buy drugs. White provided these screen shots of the
17 text messages between CAMPBELL and Montgomery to LAPD Detectives.

18 E. Surveillance Video of Castle Park

19 22. On August 14, 2018, Montgomery's father, Michael
20 Montgomery, provided LAPD Van Nuys Homicide Detectives an email with
21 a photo of Grace Montgomery's black Volkswagen bearing California
22 license plate# 7UHV343. Upon review of the Castle Park still
23 surveillance photo shots of the parking lot, a dark vehicle can be
24 observed arriving and parking in a parking stall within the lot.
25 Based on my observations of the photos, although grainy, it appears
26 that the dark vehicle resembles the photo of Montgomery's black
27 Volkswagen vehicle that had been provided to LAPD Homicide
28 Detectives by Michael Montgomery. Additionally, the vehicle appears

1 to have a passenger located in the front passenger seat area of the
2 vehicle as the vehicle arrives and parks into a parking stall.

3 23. Based on my experience and knowledge of this
4 investigation, I believe that White was present and within the
5 vicinity of Montgomery during the drug transaction between
6 Montgomery and TOMASOVICH. Additionally, White was present at her
7 (White's) residence during which both Montgomery and Flynn's
8 overdoses that resulted in death.

9 24. Agents believe any of the known members of TOMASOVICH's
10 DTO, including TOMASOVICH (the user of **Subject Telephone 2**) and
11 CAMPBELL (the user of **Subject Telephone 5**) may have played a role in
12 supplying the drugs found near Montgomery and Flynn the day that
13 they both overdosed. Based on the evidence described above, I
14 respectfully submit that the requested information regarding the
15 **Subject Telephones** will provide evidence of the Target Subjects'
16 commission of the Target Offenses.

17 IV. GROUND FOR SEALING AND DELAYING NOTICE

18 25. Based on my training and experience and my investigation
19 of this matter, I believe that reasonable cause exists to seal this
20 application and warrant, as well as the return to the warrant. I
21 also believe that reasonable cause exists, pursuant to 18 U.S.C.
22 § 2705(b), to enter an order commanding the Carriers not to notify
23 any person, including the subscriber(s) of the **Subject Telephones**,
24 of the existence of the warrant until further order of the Court,
25 until written notice is provided by the United States Attorney's
Office that nondisclosure is no longer required, or until one year
from the date the Carriers comply with the warrant or such later
date as may be set by the Court upon application for an extension by

1 the United States. There is reason to believe that such
2 notification will result in: (1) flight from prosecution;
3 (2) destruction of or tampering with evidence; (3) intimidation of
4 potential witnesses; or (5) otherwise seriously jeopardizing the
5 investigation. The investigation in this matter is not public or
6 otherwise known to its targets. Moreover, investigators hope to
7 execute future search warrants at locations utilized by MAYERS' DTO
8 to further their narcotics distribution efforts.

9 ///

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from July 10 to 17, 2018 for
TUESDAY, the other Subject telephone)

V. CONCLUSION/

2 26. For all of the above reasons, there is probable cause to
3 believe that cell-site information related to the **Subject Telephones**
4 from July 12, 2018 through the present will constitute or yield
5 evidence of violations of the Target Offenses that were committed by
6 the Target Subjects. I seek historical cell site data through the
7 present because (1) of evidence that the trafficking activity is
8 ongoing and broad in scope, and (2) to provide evidence of locations
9 frequented by the targets of the investigation, to allow
10 investigators to identify any stash locations, source locations, or
11 otherwise to provide evidence supporting surveillances and search
12 warrants.

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Lindsay T. Burns
Special Agent, Drug
Enforcement Administration

Subscribed to and sworn before me
this 4th day of December, 2018.
January, 2019

JEAN P. ROSENBLUTH

UNITED STATES MAGISTRATE JUDGE

JEAN P. ROSENBLUTH